

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

BY: Christine O. Boyd, Esquire

Identification No. 29282

510 Walnut Street-Suite 1000
Philadelphia, PA 19106
(215) 627-0303Attorney for Defendant,
Cooper Industries, Inc.

THOMAS McCUE	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
<i>Plaintiff,</i>	:	
	:	JUNE TERM, 2002
<i>vs.</i>	:	
	:	
COOPER INDUSTRIES, INC., THE HOME	:	NO. 00839
DEPOT, INC. AND HOME DEPOT U.S.A., INC.	:	
	:	
<i>Defendant.</i>	:	

NOTICE OF REMOVAL

____ Defendant, Cooper Industries, Inc., invokes the jurisdiction of this Court pursuant to 28 U.S.C.S § 1331 on the following grounds:

1. On June 7, 2002, plaintiff filed a Complaint in the Court of Common Pleas of Philadelphia County, Civil Trial Division. A copy of the plaintiff's Complaint is attached hereto as Exhibit "A".
2. This action is a products liability suit, which the plaintiff, Thomas McCue, seeks recovery of money damages for injuries sustained in an accident.
3. The action between plaintiff and defendant is one over which this court has original jurisdiction under the provisions of 28 U.S.C.S. § 1331, and is one which may be removed to this Court pursuant to 28 U.S.C.S. § 1441, *et seq.*

- 4 Plaintiff failed to properly serve Cooper Industries, Inc. Cooper Industries, Inc. did receive notice of plaintiff's claims on June 24, 2002.
5. This removal is filed within the time set for removal as set forth in 28 U.S.C.S. §1446(b).
6. Plaintiff is alleged to be a citizen and resident of the Commonwealth of Pennsylvania.
7. Defendant, Cooper Industries, Inc., is incorporated in the state of Ohio with its principal place of business in Texas.
8. Defendants, The Home Depot, Inc. and Home Depot, U.S.A., Inc. are co-defendants. Home Depot, Inc. and Home Depot, U.S.A., Inc. are both incorporated in Delaware with their principal place of business in Georgia.
9. Written notice of removal has been given to opposing counsel as required by 28 U.S.C. § 1446.
10. Co-defendants, The Home Depot, Inc. and Home Depot, U.S.A., Inc. consent to the removal of this civil action. See attached a copy of Stipulation of Removal as Exhibit "B".
11. A true and correct copy of this Notice of Removal will be promptly filed with the Prothonotary in the Court of Common Pleas of Philadelphia County, Pennsylvania, as provided by 28 U.S.C.S § 1446(b).
12. True and correct copies of all process, pleadings and orders served upon the moving defendant in this action are attached.

WHEREFORE, defendant, Cooper Industries, Inc. effect removal of this case in the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of

Pennsylvania.

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

BY: _____

Christine O. Boyd, Esquire
Attorney for Defendant,
Cooper Industries, Inc.

Date: _____

CERTIFICATE OF SERVICE

____I, Christine O. Boyd, Esquire, hereby certify that pursuant to 28 U.S.C. § 1446 (b) written notice of this removal of this action will be properly given to all adverse parties and a copy of the Notice of Removal will be filed with the Philadelphia County Court of Common Pleas.

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

BY: _____
Christine O. Boyd, Esquire

Date: _____